



Senate

General Assembly

File No. 387

January Session, 2013

Substitute Senate Bill No. 929

Senate, April 8, 2013

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT TRANSFERRING CERTAIN FUNCTIONS AND OPERATIONS
OF THE DEPARTMENT OF CONSTRUCTION SERVICES AND
REGULATING SPECIAL EFFECTS DISPLAYS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-344 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 Any person engaged in keeping or storing any explosives shall,
4 before engaging in the keeping or storing of such explosives, make a
5 report to the Commissioner of [Construction Services] Emergency
6 Services and Public Protection stating: The location of the magazine, if
7 existing, or, in case of a new magazine, the proposed location of such
8 magazine; the kind of explosives that are kept or stored or intended to
9 be kept or stored and the maximum quantity that is intended to be
10 kept or stored therein; and the distance such magazine is located or
11 intended to be located from the nearest building or highway.

12 Sec. 2. Section 29-345 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2013*):

14 Each person selling or giving away any explosive shall first
15 ascertain that the purchaser or donee of such explosives has obtained a
16 license and permit required by section 29-349, as amended by this act,
17 and shall keep a record in which shall be entered an accurate account
18 of each disposition by such person in the course of business, or
19 otherwise, of any explosive. Such record shall show, in legible writing
20 to be entered therein at the time of disposition of the explosive, a
21 history of such transaction, showing the name and quantity of the
22 explosive, the name and place of residence and business of the
23 purchaser or donee, and the name and address of the individual to
24 whom delivered. Such record shall be kept by such person in his
25 principal office or place of business in this state and shall be subject to
26 examination by any military authority, the Commissioner of
27 [Construction Services, his] Emergency Services and Public Protection,
28 the commissioner's deputies and the police officers of the municipality
29 where situated. Any such authority may at any time require any such
30 dealer to produce such record for the year previous. Nothing in this
31 section shall apply to any transaction when such explosive is to be
32 shipped by common carrier to a point outside this state and for use
33 outside this state.

34 Sec. 3. Section 29-346 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2013*):

36 Any person not referred to in sections 29-344 and 29-345, as
37 amended by this act, having in his possession any explosive, shall
38 report the amount and kind thereof to the Commissioner of
39 [Construction Services] Emergency Services and Public Protection
40 within ten days after purchase of the same and the purpose for which
41 such explosive is to be used.

42 Sec. 4. Section 29-349 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2013*):

44 (a) The Commissioner of [Construction Services] Emergency
45 Services and Public Protection shall have exclusive jurisdiction in the
46 preparation of and may enforce reasonable regulations for the safe and
47 convenient storage, transportation and use of explosives and blasting
48 agents used in connection therewith, which regulations shall deal in
49 particular with the quantity and character of explosives and blasting
50 agents to be stored, transported and used, the proximity of such
51 storage to inhabited dwellings or other occupied buildings, public
52 highways and railroad tracks, the character and construction of
53 suitable magazines for such storage, protective measures to secure
54 such stored explosives and blasting agents and the abatement of any
55 hazard that may arise incident to the storage, transportation or use of
56 such explosives and blasting agents.

57 (b) No person, firm or corporation shall engage in any activity
58 concerning the storage, transportation or use of explosives unless such
59 person, firm or corporation has obtained a license therefor from the
60 Commissioner of [Construction Services] Emergency Services and
61 Public Protection. Such license shall be issued upon payment of a fee of
62 two hundred dollars and upon submission by the applicant of
63 evidence of good moral character and of competence in the control and
64 handling of explosives, provided, if such license is for the use of
65 explosives, it may be issued only to an individual person after
66 demonstration that such individual is technically qualified to detonate
67 explosives. Any such license to use explosives shall bear both the
68 fingerprints of the licensee obtained by the Commissioner of
69 [Construction Services] Emergency Services and Public Protection at
70 the time of licensing, and the licensee's photograph, furnished by the
71 licensee, of a size specified by the commissioner and taken not more
72 than one year prior to the issuance of the license. Each such license
73 shall be valid for one year from the date of its issuance, unless sooner
74 revoked or suspended, and may be renewed annually thereafter upon
75 a payment of one hundred fifty dollars.

76 (c) The Commissioner of [Construction Services] Emergency
77 Services and Public Protection shall require any applicant for a license

78 under this section to submit to state and national criminal history
79 records checks. The criminal history records checks required pursuant
80 to this subsection shall be conducted in accordance with section 29-17a.

81 (d) No person shall manufacture, keep, store, sell or deal in any
82 explosives unless such person has a valid license under the provisions
83 of subsection (b) of this section and obtains from the Commissioner of
84 [Construction Services] Emergency Services and Public Protection or
85 from the fire marshal of the town where such business is conducted a
86 written permit therefor, which permit shall not be valid for more than
87 one year and for which such person shall pay a fee of one hundred
88 dollars. If the permit is issued by the Commissioner of [Construction
89 Services] Emergency Services and Public Protection, the commissioner
90 shall forward a copy thereof to the local fire marshal. Such permit so
91 granted shall definitely state the location of the building where such
92 business is to be carried on or such explosive deposited and shall state
93 that such building or premises complies with the regulations provided
94 for in this section.

95 (e) No person shall procure, transport or use any explosives unless
96 such person has a valid license under subsection (b) of this section and
97 has obtained a written permit therefor signed by the Commissioner of
98 [Construction Services] Emergency Services and Public Protection or
99 by the fire marshal of the town where such explosive is to be used,
100 specifying the name of the purchaser, the amount to be purchased and
101 transported and the purpose for which it is to be used. Any such
102 permit to use explosives shall state the number of years the permittee
103 has been engaged in blasting activity. Such permit shall be valid for
104 such period, not longer than one year, as is required to accomplish the
105 purpose for which it was obtained. No carrier shall transport any such
106 explosive until the vehicle transporting the explosive has been
107 inspected and approved by the Department of [Construction Services]
108 Emergency Services and Public Protection and unless such written
109 permit accompanies the same and no person shall have in such
110 person's possession any such explosive unless such person has a
111 license and permit therefor. The fee for such inspection shall be one

112 hundred dollars. The fee for such permit shall be sixty dollars. Each
113 person who has in such person's custody or possession any explosive
114 or any detonating caps for explosives shall keep the same either under
115 personal observation or securely locked up.

116 (f) Any license or permit issued under the provisions of this section
117 may be suspended or revoked by the issuing authority for violation by
118 the licensee or permittee of any provision of law or regulation relating
119 to explosives or conviction of such licensee or permittee of any felony
120 or misdemeanor. Suspension or revocation of a license shall
121 automatically suspend or revoke the permit and the suspension or
122 revocation of a permit shall automatically suspend or revoke the
123 license.

124 (g) Any person who, by himself or herself or by such person's
125 employee or agent or as the employee or agent of another, violates any
126 provision of this section, or any regulation [made] adopted by the
127 Commissioner of [Construction Services] Emergency Services and
128 Public Protection pursuant to the provisions of this section, shall be
129 fined not more than ten thousand dollars or imprisoned not more than
130 ten years, or both.

131 (h) As used in this section, "blasting agent" means any material,
132 composition or mixture intended for blasting, consisting substantially
133 of a fuel and oxidizer, none of the ingredients of which is an explosive,
134 as defined in section 29-343, and the finished product of which as
135 mixed and packaged for use or shipment cannot be detonated by the
136 test procedure established by regulations adopted by the
137 Commissioner of [Construction Services] Emergency Services and
138 Public Protection in accordance with chapter 54.

139 (i) Notwithstanding the provisions of this section, the Labor
140 Commissioner shall regulate the storage, transportation and use of
141 explosives and blasting agents in places of employment insofar as such
142 activities relate to employee health and safety, provided such
143 regulations shall be no less stringent than those prepared and enforced
144 by the Commissioner of [Construction Services] Emergency Services

145 and Public Protection pursuant to this section.

146 (j) The State Fire Marshal may grant variations or exemptions from,
147 or approve equivalent or alternate compliance with, particular
148 provisions of any regulation adopted under this section where strict
149 compliance with such provisions would entail practical difficulty or
150 unnecessary hardship or is otherwise adjudged unwarranted,
151 provided any such variation, exemption, equivalent or alternate
152 compliance shall, in the opinion of the State Fire Marshal, secure the
153 public safety.

154 Sec. 5. Section 29-355 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2013*):

156 If any person considers himself aggrieved by the doings of the
157 Commissioner of [Construction Services] Emergency Services and
158 Public Protection or the fire marshal under section 29-349, as amended
159 by this act, or 29-354, he may apply, within thirty days, to the Superior
160 Court, which may grant appropriate relief; but nothing contained
161 herein shall be construed to prevent the transportation of gunpowder,
162 or its deposit for transportation during a period of not over forty-eight
163 hours.

164 Sec. 6. Section 29-357 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2013*):

166 (a) Except as provided in subsection (b) of this section, no person,
167 firm or corporation shall offer for sale, expose for sale, sell at retail or
168 use or explode or possess with intent to sell, use or explode any
169 fireworks. A person who is sixteen years of age or older may offer for
170 sale, expose for sale, sell at retail, purchase, use or possess with intent
171 to sell or use sparklers or fountains of not more than one hundred
172 grams of pyrotechnic mixture per item, which are nonexplosive and
173 nonaerial, provided (1) such sparklers and fountains do not contain
174 magnesium, except for magnalium or magnesium-aluminum alloy, (2)
175 such sparklers and fountains containing any chlorate or perchlorate
176 salts do not exceed five grams of composition per item, and (3) when

177 more than one fountain is mounted on a common base, the total
178 pyrotechnic composition does not exceed two hundred grams.

179 (b) The [State Fire Marshal] Commissioner of Emergency Services
180 and Public Protection shall adopt reasonable regulations, in accordance
181 with chapter 54, for the granting of permits for supervised displays of
182 fireworks or for the indoor use of pyrotechnics, sparklers and
183 fountains for special effects by municipalities, fair associations,
184 amusement parks, other organizations or groups of individuals or
185 artisans in pursuit of their trade. Such permit may be issued upon
186 application to said [State Fire Marshal] commissioner and after (1)
187 inspection of the site of such display or use by the local fire marshal to
188 determine compliance with the requirements of such regulations, and
189 (2) approval of the chiefs of the police and fire departments, or, if there
190 is no police or fire department, of the first selectman, of the
191 municipality wherein the display is to be held as is provided in this
192 section. No such display shall be handled or fired by any person until
193 such person has been granted a certificate of competency by the [State
194 Fire Marshal] Commissioner of Emergency Services and Public
195 Protection, in respect to which a fee of two hundred dollars shall be
196 payable to the State Treasurer when issued and which may be renewed
197 every three years upon payment of a fee of one hundred ninety dollars
198 payable to the State Treasurer, provided such certificate may be
199 suspended or revoked by said [marshal] commissioner at any time for
200 cause. Such certificate of competency shall attest to the fact that such
201 operator is competent to fire a display. Such display shall be of such a
202 character and so located, discharged or fired as in the opinion of the
203 chiefs of the police and fire departments or such selectman, after
204 proper inspection, will not be hazardous to property or endanger any
205 person or persons. In an aerial bomb, no salute, report or maroon may
206 be used that is composed of a formula of chlorate of potash, sulphur,
207 black needle antimony and dark aluminum. Formulas that may be
208 used in a salute, report or maroon are as follows: (A) Perchlorate of
209 potash, black needle antimony and dark aluminum, and (B)
210 perchlorate of potash, dark aluminum and sulphur. No high explosive
211 such as dynamite, fulminate of mercury or other stimulator for

212 detonating shall be used in any aerial bomb or other pyrotechnics.
213 Application for permits shall be made in writing at least fifteen days
214 prior to the date of display, on such notice as the [State Fire Marshal]
215 Commissioner of Emergency Services and Public Protection by
216 regulation prescribes, on forms furnished by the [State Fire Marshal]
217 commissioner, and a fee of one hundred dollars shall be payable to the
218 State Treasurer with each such application. After such permit has been
219 granted, sales, possession, use and distribution of fireworks for such
220 display shall be lawful for that purpose only. No permit granted
221 hereunder shall be transferable. Any permit issued under the
222 provisions of this section may be suspended or revoked by the [State
223 Fire Marshal] Commissioner of Emergency Services and Public
224 Protection or the local fire marshal for violation by the permittee of any
225 provision of the general statutes, any regulation or any ordinance
226 relating to fireworks.

227 (c) The [State Fire Marshal] Commissioner of Emergency Services
228 and Public Protection may grant variations or exemptions from, or
229 approve equivalent or alternate compliance with, particular provisions
230 of any regulation issued under the provisions of subsection (b) of this
231 section where strict compliance with such provisions would entail
232 practical difficulty or unnecessary hardship or is otherwise adjudged
233 unwarranted, provided any such variation, exemption, approved
234 equivalent or alternate compliance shall, in the opinion of the [State
235 Fire Marshal] commissioner, secure the public safety and shall be
236 made in writing.

237 (d) Any person, firm or corporation violating the provisions of this
238 section shall be guilty of a class C misdemeanor, except that (1) any
239 person, firm or corporation violating the provisions of subsection (a) of
240 this section by offering for sale, exposing for sale or selling at retail or
241 possessing with intent to sell any fireworks with a value exceeding ten
242 thousand dollars shall be guilty of a class A misdemeanor, and (2) any
243 person, firm or corporation violating any provision of subsection (b) of
244 this section or any regulation adopted thereunder shall be guilty of a
245 class A misdemeanor, except if death or injury results from any such

246 violation, such person, firm or corporation shall be guilty of a class C
247 felony.

248 Sec. 7. Section 29-359 of the general statutes is repealed and the
249 following is substituted in lieu thereof (*Effective October 1, 2013*):

250 (a) Before any person, firm or corporation or any agent or employee
251 thereof may conduct a fireworks display or use pyrotechnics for
252 indoor special effects, such person, firm or corporation shall furnish
253 proof of financial responsibility to satisfy claims for damages on
254 account of any physical injury or property damage which may be
255 suffered by any person by reason of any act or omission on the part of
256 such person, firm or corporation, any agent or employee thereof, any
257 independent contractor firing the display or using such pyrotechnics,
258 any fair or exposition association, any sponsoring organization or
259 committee, any owner or lessee of any premises used by the named
260 insured and any public authority granting a permit to the named
261 insured, in the form of a liability insurance policy evidenced by a
262 certificate of insurance filed with the Insurance Commissioner at least
263 fifteen days prior to the date of display or use and acceptable to the
264 commissioner. Such policy shall cover public liability arising out of the
265 operation of the fireworks display or from the use of pyrotechnics for
266 special effects in the minimum amount of one million dollars per
267 accident for bodily injury and property damage, and shall not limit
268 coverage within the applicable statutory period of covered liability.
269 The insurer issuing such policy shall agree in writing to deliver to the
270 Insurance Commissioner not less than ten days' written notice of any
271 cancellation of such insurance which is to become effective prior to the
272 termination of the display or use.

273 (b) The Commissioner of [Construction Services] Emergency
274 Services and Public Protection shall adopt regulations in accordance
275 with the provisions of chapter 54 defining the term "pyrotechnics" for
276 purposes of subsection (a) of this section.

277 Sec. 8. Section 29-361 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective October 1, 2013*):

279 Nothing in sections 29-356 to 29-366, inclusive, as amended by this
280 act, shall be construed to prohibit the sale by any resident
281 manufacturer, wholesaler, dealer or jobber, at wholesale, of such
282 fireworks as are not herein prohibited, or the sale of any kind of
283 fireworks, provided the same are to be shipped directly out of state, in
284 accordance with United States Department of Transportation
285 regulations covering the transportation of explosives and other
286 dangerous articles by motor, rail and water; or the possession, sale or
287 use of signals necessary for the safe operation of railroads or other
288 classes of public or private transportation, or of illuminating devices
289 for photographic use, or of illuminating torches for parades or
290 ceremonial events, nor shall the provisions of said sections apply to the
291 military or naval forces of the United States or the armed forces of the
292 state, or to peace officers in the performance of their official duties, nor
293 prohibit the sale or use of blank cartridges for ceremonial, theatrical or
294 athletic events or for training dogs, or the use of fireworks solely for
295 agricultural purposes under conditions approved by the
296 Commissioner of Emergency Services and Public Protection or the
297 local [or State Fire Marshal] fire marshal.

298 Sec. 9. Section 29-362 of the general statutes is repealed and the
299 following is substituted in lieu thereof (*Effective October 1, 2013*):

300 The [State Fire Marshal] Commissioner of Emergency Services and
301 Public Protection or a local fire marshal shall seize, take, store, remove
302 or cause to be removed, at the expense of the owner, all stocks of
303 fireworks or combustibles offered or exposed for sale, stored, held or
304 kept in violation of sections 29-356 to 29-366, inclusive, as amended by
305 this act. When any fireworks have been seized, the superior court
306 having jurisdiction, shall expeditiously cause to be left at the place
307 where such fireworks were seized, if such place is a dwelling house,
308 store, shop or other building, and also to be left with or at the usual
309 place of abode of the person named therein as the owner or keeper of
310 such fireworks, a summons notifying him or her and all others whom
311 it may concern to appear before such court, at a place and time named
312 in such notice, which time shall be not less than six nor more than

313 twelve days after the posting and service thereof, then and there to
314 show cause, if any, why such fireworks should not be adjudged a
315 nuisance. Such summons shall describe such articles with reasonable
316 certainty, and state when and where the same were seized. If any
317 person named in such summons or any person claiming any interest in
318 the same appears, he or she shall be made a party defendant in such
319 case. The informing officer or the complainants may appear and
320 prosecute such complaint and, if the court finds the allegations of such
321 complaint to be true and that such fireworks or any of them have been
322 kept in violation of any provision of sections 29-356 to 29-366,
323 inclusive, as amended by this act, judgment shall be rendered that
324 such articles are a nuisance, and execution shall issue that the same be
325 destroyed together with the crates, boxes or vessels containing the
326 same. The court shall not require storage of the fireworks pending final
327 disposition of the case and shall order the fireworks to be destroyed
328 upon their being inventoried, photographed and described in a sworn
329 affidavit. Such inventory, photograph, description and sworn affidavit
330 shall be sufficient evidence for the purposes of identification of the
331 seized items at any subsequent court proceeding.

332 Sec. 10. Section 29-364 of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective October 1, 2013*):

334 No person, firm or corporation may engage in the business of
335 manufacturer, wholesaler, dealer or jobber of fireworks, under the
336 provisions of section 29-361, as amended by this act, until such
337 manufacturer, wholesaler, dealer or jobber has received a license
338 therefor for each location where the business is to be conducted. All
339 licenses shall be issued upon receipt of the application therefor upon
340 license forms provided by the [State Fire Marshal] Commissioner of
341 Emergency Services and Public Protection, which forms shall include
342 such information as said [marshal] commissioner requires. The [State
343 Fire Marshal] Commissioner of Emergency Services and Public
344 Protection shall prescribe the number of copies of each license form to
345 be executed and the distribution of such copies. No license shall be
346 issued until the location has been inspected by the licensing authority

347 and unless reasonable precautions have been taken to eliminate
348 hazards to life and property. All licenses issued under the provisions
349 of this section shall be used only by the person, firm or corporation to
350 whom they are issued and shall not be transferable. The [State Fire
351 Marshal] Commissioner of Emergency Services and Public Protection
352 may refuse to issue such a license if the [State Fire Marshal]
353 commissioner determines that the applicant has previously been
354 convicted of a felony or misdemeanor as a result of a violation of any
355 provision of state or federal law relating to the use, transport, sale,
356 manufacture, storage or possession of explosives, fireworks, explosive
357 devices, illegal drugs or controlled substances. Any license issued
358 under the provisions of this section may be suspended or revoked by
359 the licensing authority, after notice and opportunity for hearing, for
360 any violation by the licensee of any provision of the general statutes or
361 any regulation or ordinance relating to fireworks or conviction of such
362 licensee of any felony or misdemeanor as a result of a violation of any
363 provision of state or federal law relating to the use, transport, sale,
364 manufacture, storage, or possession of explosives, fireworks, explosive
365 devices, illegal drugs or controlled substances.

366 Sec. 11. Section 29-365 of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective October 1, 2013*):

368 The fee to be paid to the licensing authority upon each application
369 shall be as follows: For a fireworks manufacturing license, two
370 hundred dollars; for a dealer, wholesaler and jobber, two hundred
371 dollars. Fees collected by the [State Fire Marshal] Commissioner of
372 Emergency Services and Public Protection shall be paid to the State
373 Treasurer.

374 Sec. 12. Subsection (a) of section 29-367 of the general statutes is
375 repealed and the following is substituted in lieu thereof (*Effective*
376 *October 1, 2013*):

377 (a) The Commissioner of [Construction Services] Emergency
378 Services and Public Protection shall make and enforce, and may
379 amend, reasonable regulations concerning the safe design,

380 construction, manufacture, testing, certification, storage, sale, shipping,
381 operation and launching of rockets propelled by rocket motors,
382 including, but not limited to, solid, liquid and cold propellant, hybrid,
383 steam or pressurized liquid rocket motors. In adopting such
384 regulations, said commissioner may be guided by recognized national
385 standards for the prevention of injury to life and damage to property
386 and protection of hazards incident to the design, construction,
387 manufacture, testing, storage, sale, shipping, operation and launching
388 of such rockets.

389 Sec. 13. Subsection (a) of section 29-367 of the general statutes, as
390 amended by section 18 of public act 09-177, sections 4 and 6 of public
391 act 10-54, section 90 of public act 11-51 and sections 3 and 4 of public
392 act 12-60, is repealed and the following is substituted in lieu thereof
393 (*Effective January 1, 2015*):

394 (a) The Commissioner of [Construction Services] Emergency
395 Services and Public Protection shall adopt, and may amend, reasonable
396 regulations, in accordance with the provisions of chapter 54,
397 concerning the safe design, construction, manufacture, testing,
398 certification, storage, sale, shipping, operation and launching of
399 rockets propelled by rocket motors, including, but not limited to, solid,
400 liquid and cold propellant, hybrid, steam or pressurized liquid rocket
401 motors. Such regulations shall [be incorporated into the State Fire
402 Prevention Code and] include provisions for the prevention of injury
403 to life and damage to property and protection of hazards incident to
404 the design, construction, manufacture, testing, storage, sale, shipping,
405 operation and launching of such rockets. The commissioner shall
406 enforce such regulations.

407 Sec. 14. Section 29-368 of the general statutes is repealed and the
408 following is substituted in lieu thereof (*Effective October 1, 2013*):

409 The Commissioner of [Public Safety] Emergency Services and Public
410 Protection may grant variations or exemptions from, or approve
411 equivalent or alternate compliance with, particular provisions of any
412 regulation issued under the provisions of section 29-367, as amended

413 by this act, where strict compliance with such provisions would entail
414 practical difficulty or unnecessary hardship or is otherwise adjudged
415 unwarranted, provided any such variation, exemption, approved
416 equivalent or alternate compliance shall, in the opinion of said
417 commissioner, secure the public safety.

418 Sec. 15. Section 29-369 of the general statutes is repealed and the
419 following is substituted in lieu thereof (*Effective October 1, 2013*):

420 Any person aggrieved by any such regulation or any act of [said
421 commissioner] the Commissioner of Emergency Services and Public
422 Protection in enforcing the same may apply for relief to the superior
423 court for the judicial district of Hartford or for the judicial district in
424 which such person resides [.] or, if such court is not in session, to any
425 judge thereof, which court or judge may grant appropriate relief.

426 Sec. 16. (NEW) (*Effective October 1, 2013*) (a) The Commissioner of
427 Emergency Services and Public Protection shall adopt regulations, in
428 accordance with chapter 54 of the general statutes, for the granting of
429 permits for supervised displays of special effects produced by
430 pyrotechnics, including sparklers and fountains, or flame producing
431 devices by municipalities, fair associations, amusement parks, other
432 organizations or groups of individuals or artisans in pursuit of their
433 trade. Such regulations shall include provisions for determining the
434 competency of persons intending to discharge or fire such special
435 effects. Such regulations shall not apply to ceremonial activities that
436 include minimal use of pyrotechnics or flame producing devices.

437 (b) An applicant for a permit for the supervised display of such
438 special effects produced by pyrotechnics or flame producing devices
439 shall submit a written application at least fifteen days prior to the date
440 of the display, or upon such notice as the Commissioner of Emergency
441 Services and Public Protection by regulation prescribes, on forms
442 furnished by said commissioner. The fee for such application shall be
443 one hundred dollars, made payable to the State Treasurer. The
444 commissioner shall not grant any such permit until (1) the fire marshal
445 for the municipality where the intended display is to be held inspects

446 the site intended for the display and determines it to be in compliance
447 with the requirements of such regulations, and (2) the chiefs of the
448 police and fire departments or, if there is no police or fire department,
449 the chief executive officer of the municipality where the intended
450 display is to be held approves such intended site. Such display shall be
451 of such a character and so located, discharged or fired as in the opinion
452 of the chiefs of the police and fire departments or chief executive
453 officer, after proper inspection, will not be hazardous to property or
454 endanger any person. After such permit has been granted, the
455 possession of pyrotechnics and flame producing devices for use in
456 such display shall be lawful for that purpose only. No permit granted
457 pursuant to this subsection shall be transferable. The commissioner
458 may suspend or revoke such permit for violation by the permittee of
459 any provision of the general statutes, any regulation or any ordinance
460 relating to special effects.

461 (c) No pyrotechnic or flame producing device for use in a special
462 effects display shall be handled, discharged or fired by any person
463 unless under the supervision of a person who has been granted a
464 certificate of competency for special effects by the Commissioner of
465 Emergency Services and Public Protection. The fee for such certificate
466 shall be two hundred dollars, made payable to the State Treasurer.
467 Such certificate may be renewed every three years upon payment of a
468 fee of one hundred ninety dollars to the State Treasurer. Such
469 certificate shall attest to the fact that such person is competent to
470 supervise the handling and discharge or firing of such special effects.
471 No certificate granted pursuant to this subsection shall be transferable.
472 The commissioner may suspend or revoke such certificate at any time
473 for cause.

474 (d) The Commissioner of Emergency Services and Public Protection
475 may grant, in writing, variations or exemptions from, or approve
476 equivalent or alternate compliance with, particular provisions of any
477 regulation adopted under the provisions of subsection (a) of this
478 section where strict compliance with such provisions would entail
479 practical difficulty or unnecessary hardship or is otherwise adjudged

480 unwarranted, provided any such variation, exemption, approved
481 equivalent or alternate compliance shall, in the opinion of the
482 commissioner, secure the public safety.

483 (e) Any person, firm or corporation violating the provisions of
484 subsection (b) or (c) of this section or any regulation adopted pursuant
485 to subsection (a) of this section shall be guilty of a class A
486 misdemeanor, except if death or injury results from any such violation,
487 such person, firm or corporation shall be guilty of a class C felony.

488 Sec. 17. Section 29-360 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective October 1, 2013*):

490 No permit shall be issued under the provisions of section 29-357, as
491 amended by this act, or section 16 of this act to a nonresident person,
492 firm or corporation conducting a fireworks or special effects display in
493 this state until such person, firm or corporation has appointed in
494 writing the Secretary of the State and his successors in office to be his
495 attorney upon whom all process in any action or proceeding against
496 him may be served; and in such writing such person, firm or
497 corporation shall agree that any process against such person, firm or
498 corporation which is served on said secretary shall be of the same legal
499 force and validity as if served on the person, firm or corporation, and
500 that such appointment shall continue in force as long as any liability
501 remains outstanding against such person, firm or corporation in this
502 state. Such written appointment shall be acknowledged before some
503 officer authorized to take acknowledgments of deeds and shall be filed
504 in the office of said secretary. Copies certified by him shall be sufficient
505 evidence of such appointment and agreement. Service upon said
506 attorney shall be sufficient service upon the principal, and shall be
507 made by leaving an attested copy of the process with the Secretary of
508 the State at his office, or with any clerk having charge of the
509 Corporations Division of said office. When legal process against any
510 person, firm or corporation is served upon the Secretary of the State
511 under this section, he shall immediately notify such person, firm or
512 corporation by mail and shall, within two days after such service,

513 forward in the same manner a copy of the process served on him to
 514 such person, firm or corporation or to any person designated in
 515 writing by such person, firm or corporation. The plaintiff in the
 516 process so served shall pay to the secretary, at the time of service, a fee
 517 of one and one-half dollars for each page, and in no case less than five
 518 dollars, which shall be recovered by him as part of his taxable costs if
 519 he prevails in such suit. The secretary shall keep a record of all process
 520 served upon him, which record shall show the date and the hour when
 521 such service was made.

522 Sec. 18. Section 2 of public act 12-60 is repealed. (*Effective from*
 523 *passage*)

524 Sec. 19. Sections 29-321, 29-325 to 29-328, inclusive, 29-333 to 29-335,
 525 inclusive, 29-336, 29-338, 29-340 and 29-341 of the general statutes are
 526 repealed. (*Effective January 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	29-344
Sec. 2	October 1, 2013	29-345
Sec. 3	October 1, 2013	29-346
Sec. 4	October 1, 2013	29-349
Sec. 5	October 1, 2013	29-355
Sec. 6	October 1, 2013	29-357
Sec. 7	October 1, 2013	29-359
Sec. 8	October 1, 2013	29-361
Sec. 9	October 1, 2013	29-362
Sec. 10	October 1, 2013	29-364
Sec. 11	October 1, 2013	29-365
Sec. 12	October 1, 2013	29-367(a)
Sec. 13	January 1, 2015	29-367(a)
Sec. 14	October 1, 2013	29-368
Sec. 15	October 1, 2013	29-369
Sec. 16	October 1, 2013	New section
Sec. 17	October 1, 2013	29-360
Sec. 18	<i>from passage</i>	Repealer section
Sec. 19	January 1, 2015	Repealer section

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact arising from the bill's transfer of statutory responsibility for regulating explosive materials and special effects displays from the Department of Construction Services (DCS) to the Department of Emergency Services and Public Protection (DESPP). DESPP has been performing the work on behalf of DCS pursuant to a Memorandum of Understanding and this conforms statute to current practice.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 929*****AN ACT TRANSFERRING CERTAIN FUNCTIONS AND OPERATIONS OF THE DEPARTMENT OF CONSTRUCTION SERVICES AND REGULATING SPECIAL EFFECTS DISPLAYS.*****SUMMARY:**

This bill returns statutory responsibility for regulating rocketry, explosives and blasting agents, and fireworks and special effects to the Department of Emergency Services and Public Protection (DESPP) from the Department of Construction Services (DCS). DESPP regulated these areas before the 2011 agency consolidations and continues to do so under a memorandum of understanding with DCS.

The bill makes conforming changes, replacing the (1) authority of the state fire marshal, whose office is within DCS, with the DESPP commissioner's authority with regard to regulating fireworks and special effects and (2) DCS commissioner's authority with the DESPP commissioner's authority in the other areas of regulation. (The bill does not delete references to the state fire marshal in section (4(j)).) In another conforming change, the bill takes the regulations pertaining to rocketry out of the state fire prevention code, which is enforced by the state fire marshal, to reflect DESPP's restored authority to regulate rocketry. It returns to DESPP jurisdiction statutes on model rocketry that were to expire on January 1, 2015. Overall, the changes affect procurement, manufacture, transportation, storage, sales, and use of the products.

The bill creates a mechanism for regulating all supervised uses or displays of special effects produced by pyrotechnics or flame producing devices, which includes DESPP permitting and competency certification, local site inspection, fees, and criminal penalties. It

thereby extends regulation to (1) outdoor use and (2) flame-producing devices.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013, except a technical change related to the reinstatement of the model rocketry provisions, which is effective upon passage, and the provisions reinstating the model rocketry provisions, which are effective January 1, 2015.

REGULATION OF PYROTECHNICS AND SPECIAL EFFECTS

Current law requires operators to have a state permit to use pyrotechnics, sparklers, and fountains indoors for special effects. This bill requires them to have a permit for supervised displays, whether indoors or outdoors. It also extends the permit requirement to flame-producing devices used to produce special effects.

As is the case with the existing permit for indoor use, the bill applies to municipalities, fair associations, amusement parks, other organizations or groups of individuals, and artisans pursuing their trade.

Permit Application

An applicant for a permit to display special effects must submit a written DESPP application at least 15 days before the display date, or upon such notice as the DESPP commissioner prescribes in regulation. DESPP cannot issue the permit until the:

1. fire marshal for the municipality where the display is to be held inspects the display site and determines that it complies with regulations and
2. police and fire chiefs or, where there is none, the municipality's chief executive officer, approves the site. The display must be of a character and so located, discharged, or fired as, in the officials' opinion, after proper inspection, not to be hazardous to property or endanger anyone.

The permit is valid only for the event and cannot be transferred. The commissioner may suspend or revoke it for violation of any law, regulation, or ordinance dealing with special effects.

The permit fee is \$100 and is payable to the state treasurer.

Regulations and Exemptions and Variations

The bill requires the DESPP commissioner to adopt regulations for issuing permits, including provisions for determining the competence of anyone intending to discharge or fire such special effects.

He may grant, in writing, variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the regulations if strict compliance would entail practical difficulty or unnecessary hardship or is otherwise considered unwarranted. Any such variation, exemption, or equivalent or alternate compliance must, in his opinion, secure the public safety.

Competency Certificates

The bill authorizes the DESPP commissioner to adopt regulations including provisions for determining the competence of people intending to discharge or fire special effects. The regulations do not apply to people using minimal amounts of pyrotechnics or flame-producing devices in ceremonial activities.

The bill's provisions are substantially similar (though not identical) to those governing indoor use and display of special effects under existing law. For example, the bill requires anyone handling, discharging, or firing pyrotechnic or flame-producing devices for special effects use or display to be supervised by someone who has a DESPP competency certificate attesting to his or her competence to supervise the handling, discharge, or firing of special effects. But the bill does not appear to extend to the outdoor use and display of special effects the liability insurance required for the use of pyrotechnics for indoor special effects (CGS § 29-359).

The certificate costs \$200 and is renewable every three years for

\$190. The fees are payable to the state treasurer. The certificate is not transferable and the DESPP commissioner may suspend or revoke it for cause.

Violations and Penalties

A violation of the bill's new permit or certificate requirements is a class A misdemeanor, punishable by imprisonment for up to one year, a fine up to \$2,000, or both. If death or injury results from the violation, it is a class C felony, punishable by up to 10 years imprisonment, a fine of up to \$10,000, or both.

Non-resident firms, corporations, or persons applying for a permit must appoint, in writing, the secretary of the state to be the attorney on whom process must be served in any action against them.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)